

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: JUN 17 2008

HENRY SHATKIN, on behalf of himself and all others similarly situated,

Plaintiff,

v.

THE BANK OF NEW YORK MELLON CORPORATION and THE BANK OF NEW YORK, N.A.,

Defendants

**NOTICE OF MOTION FOR
APPOINTMENT OF INTERIM
COUNSEL**

SO ORDERED: JUN 17 2008

HON. PAUL A. CROTTY
UNITED STATES DISTRICT JUDGE

TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD

PLEASE TAKE NOTICE that plaintiffs move the Court to issue an order appointing interim co-lead counsel for plaintiffs asserting claims against defendants Bank of New York Mellon Corporation and The Bank of New York, N.A.

This motion is made on the grounds that the proposed structure complies with the requirements of Fed.R.Civ.P. 23(g) and will provide for the efficient prosecution of the action by experienced counsel possessing sufficient resources to effectively pursue the instant large-scale class action litigation.

This motion is based upon this notice of motion, the accompanying memorandum of law, Proposed Order, and such other matters and arguments as the Court may consider.

MEMO ENDORSED

MEMO ENDORSED

DATED: February 15, 2008

Respectfully submitted,

LOVELL STEWART HALEBIAN LLP
CHRISTOPHER LOVELL (CL 2595)
GARY S. JACOBSON (GJ 2481)
IMTIAZ A. SIDDIQUI (IS 4090)

/s/Christopher Lovell
CHRISTOPHER LOVELL
500 Fifth Avenue, Suite 5800
New York, New York 10110
Telephone: 212-608-1900
Facsimile: 212-719-4677

-- and --

Karl P. Barth
LOVELL MITCHELL & BARTH, LLP
11542 NE 21st St.
Bellevue, WA 98004
Telephone: 425-452-9800
Facsimile: 425-452-9801

David B. Killalea
Stephen A. Weisbrod
GILBERT RANDOLPH LLP
1100 New York Avenue, NW
Suite 700
Washington, DC 20005
Telephone: 202-77-2200
Facsimile: 202-772-3333

Proposed Co-Lead Interim Class Counsel

Paul M. Weiss
FREED & WEISS, LLP
111 West Washington
Suite 1331
Chicago, IL 60602
(312) 220-0000

Terrence F. Durkin
**THE LAW OFFICES OF
TERRENCE F. DURKIN**
414 Orleans Plaza
Suite 312
Chicago, IL 60610
(312) 813-7366

Counsel for Plaintiff